IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WA.No. 2622 of 2007

AGAINST THE JUDGEMENT IN W.P.(C).NO.18570/2007 DATED 13/07/2007
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APPELLANT/PETITIONER:

O.DEVASSY,INCHKAL HOUSE, NEDUNGAPRA, PERUMBAVOOR,(FORMER PRESIDENT,KUNNATHUNAD TALUK HOUSING CO-OPERATIVE SOCIETY LTD. NO.E.307, PERUMBAVOOR).

BY ADV. SRI.V.G.ARUN,
SRI.T.R.HARIKUMAR.

RESPONDENTS/ RESPONDENTS:
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1. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.**
2. **THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES (VIGILANCE) ERNAKULAM.**
3. **THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.**

BY SR. GOVT. PLEADER SRI. R. LAKSHMI NARAYAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Appeal No.2622 OF 2007

Judgment

Balakrishnan Nair, J.

The appellant is the writ petitioner. The Writ Petition was filed, challenging the surprise inspection held in the appellant's Society by the 2nd respondent without giving it a previous notice. The petitioner contended that the same is illegal and unauthorised by Section 66 of the Co-operative Societies Act and the relevant Rules. The respondents defended the action, relying on two circulars issued by the Registrar of Co-operative Societies, providing for surprise inspection of the co-operative societies. The learned single Judge upheld the said contention of the respondents and dismissed the Writ Petition. Hence this Appeal. The very same contention raised by the appellant before the learned single Judge was reiterated before us. But, we feel that the appellant cannot resist any surprise inspection of the Society by the 2nd respondent. It is in the interest of the Society also to make surprise inspection without previous notice so that irregularities, if any committed, can be detected. If the petitioner is running the Society in accordance with the

provisions of the Act and Rules, he should only welcome such surprise inspections. Therefore, the challenge against the powers of the 2nd respondent to hold surprise inspections, is repelled. But, the contentions of the petitioner regarding the findings in the enquiry and their merit, will not be affected by this Judgment. Subject to that observation, the Writ Appeal is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

13.11.2007 **K.P.BALACHANDRAN, JUDGE**

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